IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 36688 of 2007(P)

PETITIONER:

P.K.SANTHA,
PART-TIME SWEEPER, PORKULAM PANCHAYATH,
PORKULAM, TRICHUR DISTRICT.

BY ADV. SRI.C.S.ABDUL SAMMAD
SRI.V.D.BALAKRISHNA KARTHA

RESPONDENTS:

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1. STATE OF KERALA - REPRESENTED BY
THE SECRETARY TO GOVERNMENT, DEPARTMENT OF LOCAL
ADMINISTRATION, TRIVANDRUM.

2. THE DIRECTOR OF PANCHAYATH,
TRIVANDRUM.

3. DEPUTY DIRECTOR OF PANCHAYATH,
AYYANTHOLE, TRICHUR.

4. THE SECRETARY,
PORKULAM PANCHAYATH, P.O.PORKULAM,
TRICHUR DISTRICT.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C)No.36688 of 2007

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Dated this the 12th day of December 2007

JUDGMENT

The petitioner is working as a casual sweeper in the Porkulam Panchayat, according to her , from July 1992 onwards. She is being paid a monthly salary of Rs.600/-. She contends that the Assistant Engineer of the Public Works Department measured the sweeping area serviced by her and found it to be 320.97 sq. metres. Accordingly, the petitioner would be entitled to monthly wages of Rs.1,250/- + D.A. going by G.O.(P)501/2005, according to her. By Ext.P2 resolution, the Panchayat resolved that the petitioner be regularized in service with effect from 1.3.2007. Ext.P3 is the consequential decision taken by the Secretary on the basis of Ext.P2. Petitioner submitted Ext.P4 before the Deputy Director of Panchayats seeking arrears of wages on the basis of Ext.P1 G.O. By Ext.P5 order, the Director of Panchayats required the Secretary of the Panchayat to set aside Ext.P2 resolution under Section 182 of the Panchayat Raj Act. Petitioner challenges Ext.P5.

2. The question as to whether the casual sweepers working in the Panchayats are also entitled to benefits similar to the one conferred under G.O.(P)501/2005 is to be considered by the

government. It has to be noted that in this case the Panchayat Committee has passed Ext.P2 resolution deciding to regularize the services of the petitioner. The Director has proceeded to require the Secretary to rescind the resolution. Such direction has been issued without notice to the petitioner. Be that as it may, the issue is now pending before the government as evidenced by Ext.P6.

3. After having heard the learned counsel for the petitioner and the learned government pleader, the writ petition is disposed of directing the first respondent to independently look into Ext.P6 and take a decision thereon keeping in mind the directions issued by this Court in W.P.(C)13828/2007 and connected cases. In view of the fact that the Panchayat had decided to regularize the petitioner's services under Ext.P2 resolution, she shall be permitted to continue in service till a decision is taken by the government in Ext.P6. Petitioner is at liberty to file an additional representation before the government. Government shall take a decision on the proposal for regularizing the petitioner's services as decided by the Panchayat, untrammeled by Ext.P6.

V.GIRI, JUDGE

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